

REMARKS

In response to the above-identified Advisory Action and subsequent Notice of Abandonment, the Applicants present the below remarks and respectfully request reconsideration of the application, as amended, in light of these remarks. The remarks place the application in condition for allowance and Applicants Request for Continued Examination under 37 CFR 1.114.

The Examiner rejected claims 1, 5, and 26 under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent 5,892,900 (hereinafter Ginter). The Examiner also rejected claims 2-4, 6-13, 19-21, 27-29, and 34-34 under 35 U.S.C. 102 (b) as being anticipated by Ginter. The Examiner also rejected claims 14-18, 22-25 and 30 under 35 U.S.C. 103(a) as being unpatentable over Ginter. The Examiner also rejected claims 31-32 under 35 U.S.C. 103 (a) as being unpatentable over Ginter and further in view of U.S. Patent 6,282,713 (hereinafter Kitsukawa). The Applicants respectfully traverse these rejections for the reasons set out below.

Applicants contend that references alone or in combination do not teach or suggest all limitations of claim 1, or the other independent claims of the present application. The Applicants' arguments shall be presented with respect to claim 1 and claim 5. These comments are applicable to all of the independent and dependent claims of the present application, and the Examiner is respectfully requested to consider these comments and remarks when reviewing the other independent claims for allowability.

Ginter does not teach or suggest the present invention as claimed:

Claim 1 - A method of controlling a transaction between a receiver and a content provider occurring over a network operated by a network operator, wherein said content provider offers enhanced content programming relating to the transaction, the method comprising the steps of:

storing a receiver profile in a data base controlled by a third party, wherein said third party is coupled to said network;

intercepting a user request for the enhanced content programming, said user request originating in the receiver and directed at the content provider, wherein said intercepting step is performed by said third party; determining if said user request for the enhanced content programming is authorized by said stored receiver profile; and permitting the enhanced content programming to be provided to the receiver in response to the user request if the content provider is authorized by said receiver profile, wherein said permitting step is performed by said third party. (Emphasis added)

Ginter discloses a system for secure transaction management and electronic rights protection. Ginter's system utilizes a virtual distribution environment (VDE), which controls, meters and monitors use of electronically stored and disseminated information (see Abstract). The Final Office Action states on page 3, that in Ginter "when a user requests a content package ..., thus user request may be subjected to a redirection ... in order to verify that the request is authorized, by a clearinghouse ... entity." The Final Office Action cites Figure 10 and associated text of Ginter in support to the alleged redirection of user's request. However, Figure 10 and the associated text of Ginter do not disclose or suggest any redirection of user request to any third party. Ginter describes that for applications that are not "VDE aware" and therefore may not know how to directly access an interface to VDE functions provided by API, the VDE system provides a redirector 684 of Figure 10 that allows such "non-VDE aware" applications to access VDE objections and functions. This means that the user connects to the VDE and is not redirected anywhere. The redirector translates the OS calls directed to the other OS functions into calls to the VDE functions (Columns 89-90). Ginter does not describe or suggest that the redirector redirects the user request to another entity. Moreover, "redirection" is not equivalent to "interception."

In addition, the Final Office Action cites column 316, lines 6-34 to support Examiner's conclusion that the clearinghouse system authorizes the user's request and checks it against author/provider's profile. However, the clearinghouse system is part of the VDE repository as disclosed in Column 309, lines 39-55. There is no disclosure that

the clearinghouse system is a separate entity. Moreover, the clearinghouse system is accessed to determine characteristics of the author's and/or end user's account profile that may influence either the transaction associated with delivering the content to the end user or whether the transaction may be processed (Column 316, lines 6-22). Ginter does not teach or disclose permitting the enhanced content programming to be provided to the receiver in response to the user request if the content provider is authorized by said receiver profile. Ginter teaches the use of "usage requirements" that are set by the content providers. (Column 315, line 67 to column 316, lines 1-5). These usage requirements are nothing more than "control information" that restricts how the user can use the content. (Column 315, lines 6-34 and column 286, lines 7-10). Any checking against the provider's profile is only to determine what restrictions will be placed on the user's use of the content. This is not the equivalent of requiring the content provider to be authorized by the user.

Ginter does not teach or suggest at least some of the elements of claim 5. Claim 5 requires "appending additional parameters to said user request." Examiner cites Columns 285-287: "Modifying Object Content" as appending additional parameters to a user request. However, Ginter does not teach or suggest this. Ginter teaches "When a provider provides content and accompanying control information, she [provider] may elect to add control information that enables and/or limits the addition, modification and/or deletion of said content." (Column 286, lines 7-10). The provider provides additional parameters (control information) but not to a user's request. Ginter teaches the provider using a form of protection for the content that the provider has given to the VDE. In Ginter, the user may alter the content in such ways as adding commentary to and existing movie. (Column 286, lines 39-41). In order to do so, however, Ginter never requires that additional parameters be appended to user's request for content. Nor is any appending done by a third party as required by claim 5, as any appending done in Ginter is done by the provider. (Columns 285-287). At least for these reasons Applicants'

claim 5, and all claims dependent upon claim 5 (claims 6-25), are in condition for allowance.

Moreover, the Applicants respectfully draw Examiner's attention to 37 C.F.R. 1.104 (c) (2) and M.P.E.P § 707, which require the Examiner to designate, as nearly as practical, the particular part of the cited reference relied on by the Examiner when the reference is complex or shows or describes an invention other than that claimed by the applicants. There is no doubt that a reference that comprises 87 figures illustrated on 163 sheets and 380 columns is complex; however, the Examiner does not cite enough passages from the reference in the section "Response to Arguments", for the Applicants to understand the reasoning that lead to Examiner's conclusions.

The Applicants submit that the rejections under 35 U.S.C. § 102 (b) and 103 (a) have been addressed, and withdrawal of these rejections is respectfully requested. The Applicants furthermore submit that all pending claims are in condition for allowance, which is earnestly solicited.

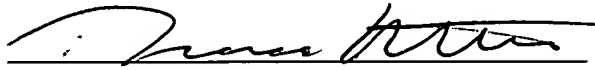
CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Ed Taylor at (408) 720-8300.

Respectfully Submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Thomas C. Webster
Reg. No.: 46,154

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300